



## *The Village of Biscayne Park*

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Regular Virtual Commission Meeting**

**Meeting ID: 972 1095 9680**

**Tuesday, September 1, 2020 at 7:00 pm**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 7:00 p.m.

**2 Roll Call**

Mayor O'Halpin - present

Vice Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Interim Village Attorney John Herin

Interim Village Manager / Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Recordings: Cesar Hernandez

**3 Pledge of Allegiance**

**4 Additions, Deletions or Withdrawals to the Agenda**

- Mayor O'Halpin requested to combine items 5.e and 12.b as Item 5.e
- Vice-Mayor Kennedy requested to move Item 5.e to 5.a
- Vice-Mayor Kennedy remove entire item 8.a and resubmit on Special Commission Meeting of September 08, 2020.
- Vice-Mayor Kennedy requested to add a new item as 5.f - Plant Swap
- Commissioner Ross requested to move Item 10.e to become Item 10.b
- Commissioner Ross requested a report from Interim Village Manager on the following topics: FEMA, CITT Audit, Village Manager selection process and RFP 2020-01 Solid Waste.
- Vice-Mayor Kennedy motioned to approve agenda as amended. Commissioner Ross seconded. **Motion passed 5 - 0.**

**5 Presentations**

**5.a** Senator Jason Pizzo, David Caserta and Representative Dotie Joseph presentation.

**5.b** Proclamation - Hispanic Heritage Month - by Vice-Mayor Kennedy

**5.c** Resolution 2020-43 - Celebrating 100th Anniversary of Ratifying the 19th Amendment - by Commissioner Ross  
Commissioner Ross motioned to approve Resolution 2020-43. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

**5.d** Proclamation - September 11th Anniversary - by Commissioner Samaria

**5.e** Proclamation Arbor Day - by Parks & Parkway Advisory Board  
Mayor O'Halpin motioned to draft and adopt a Resolution with Interlocal Agreement for the 2021 Tree Grant Program. Commissioner Samaria seconded. **Motion passed 5 - 0.**

**5.f** Plant Swap stand - by Vice-Mayor Kennedy

Vice-Mayor Kennedy motioned to approve a stand built by Dan Schneiger to promote plant swap within the community located at the Recreation Center by suggestion of Barbara Kuhl. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

**6 Public Comments Related to Agenda / Good & Welfare**

The following persons spoke on the records:

Aleksandr Bernhard  
Bob Anderson  
Nick Gunther  
Chuck Ross  
Janey Anderson  
David Raymond  
Peter Magnoli  
Gage Hartung

**7 Information / Updates**

**8 Consent Agenda**

**8.a Acceptance of Commission Minutes**

Revised Regular Virtual Commission Meeting June 02, 2020  
Revised Emergency Virtual Commission Meeting July 16, 2020  
Special Commission Meeting August 13, 2020  
Special Commission Meeting August 21, 2020 - Attorneys Interviews  
First Workshop Budget FY 2020-2021 July 23, 2020  
First Workshop Budget FY 2020-2021 July 28, 2020 (Continuation)

Second Workshop Budget FY 2020-2021 August 13, 2020

Second Workshop Budget FY 2020-2021 August 20, 2020 (Continuation)

Consent Agenda was moved to Special Commission meeting of September 8, 2020.

**9 Ordinances**

**9.a Ordinance 2020-04 - Construction and Pool Fence - First Hearing**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 11 OF THE BISCAYNE LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES" ESTABLISHING REQUIREMENTS FOR MANDATORY FENCING OF CONSTRUCTION SITES, MANDATORY MAINTENANCE REQUIREMENTS FOR POOLS; AND AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" AUTHORIZING THE BUILDING OFFICIAL TO REQUIRE THE POSTING OF A MAINTENANCE BOND FOR CONSTRUCTION SITES; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Public comments related to Ordinance 2020-04

The following persons spoke on the records:

Linda Dillon

Bob Anderson

Gage Hartung

Art Gonzalez

Commissioner Ross moved to retreat the item as a draft Ordinance for another date.

Commissioner Tudor seconded. **Motion passed 5 - 0.**

**10 Resolutions**

**10.a Resolution 2020-41 - Imposing Annual Solid Waste assessment for FY 2020-2021 - Public Hearing**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE ANNUAL SOLID WASTE ASSESSMENT FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing related to Resolution 2020-41. The following person spoke on the record:

Bob Anderson

Commissioner Ross moved to approve Resolution 2020-41. Mayor O'Halpin seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Tudor - Yes

Commissioner Ross - Yes  
Commissioner Samaria - Yes  
**Motion passed 5 - 0.**

**10.b Resolution 2020-46 - Extension of Waste Pro services to December 31, 2020**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE INTERIM VILLAGE MANAGER TO APPROVE THE AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES, TO ALLOW EXTENSION OF THE WASTE PRO SERVICES FOR TRASH AND GARBAGE DISPOSAL; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross motioned to approve Resolution 2020-46. Mayor O'Halpin

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Tudor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

**Motion passed 5 - 0.**

**10.c Resolution 2020-42 - Synovus Bank - TSYS Merchant Credit Card Services - by staff**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT BETWEEN SYNOVUS BANK AND TSYS MERCHANT SOLUTIONS LLC AND THE VILLAGE OF BISCAYNE PARK TO BECOMING THE VILLAGE'S CREDIT CARD MERCHANT PROVIDER; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Samaria motioned to approve Resolution 2020-42. Commissioner

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 5 - 0.**

**10.d Resolution 2020-44 - Waive Permit Fee for Solar Photovoltaic Systems - by Commissioner Ross**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, SUPPORTING RENEWABLE ENERGY INSTALLATIONS AND WAIVING VILLAGE PERMIT FEES FOR SUCH INSTALLATIONS FOR A PERIOD FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-44. Commissioner Samaria seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes  
Commissioner Samaria - Yes  
Commissioner Tudor - No  
**Motion passed 5 - 0.**

**10.e Resolution 2020-45 - Adopting Expense Reimbursement Plan in Lieu of Commission Salaries - by Commissioner Ross**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, DIRECTING STAFF TO DEVELOP FOR ADOPTION AN ORDINANCE ESTABLISHING AN ACCOUNTABLE EXPENSE REIMBURSEMENT PLAN IN LIEU OF COMMISSION COMPENSATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-45. Vice-Mayor Kennedy seconded. Commission voted as follows:

Mayor O'Halpin - No  
Vice-Mayor Kennedy - Yes  
Commissioner Ross - Yes  
Commissioner Samaria - No  
Commissioner Tudor - No

**Motion failed 2 - 3** (Mayor O'Halpin, Commissioner Samaria and Commissioner Tudor opposed)

**At 10:07 pm Commissioner Samaria requested a five (5) minutes recess.**  
**Commission resumed at 10:12 pm.**

**11 Old Business**

**11.a Village Attorney Selection - by Commission**

Commission voted on candidates for the position of Village Attorney as follows:

Mayor O'Halpin - Nabors, Giblin & Nickerson  
Vice-Mayor Kennedy - Fox Rothschild  
Commissioner Tudor - Nabors, Giblin & Nickerson  
Commissioner Ross - Fox Rothschild  
Commissioner Samaria - Nabors, Giblin & Nickerson  
Nabors, Giblin & Nickerson - three (3) votes  
Fox Rothschild - two (2) votes

**Commission approved Nabors, Giblin & Nickerson - Edward Dion & Valerie Vicente as Village Attorney for 3 - 2.**

John Herin resigned as Interim Village Attorney. Mayor O'Halpin accepted.

**11.b FDOT - Lane Elimination Process - by Vice-Mayor Kennedy**

Vice-Mayor Kennedy requested to engage Calvin Giordano & Associates to provide a study and an application process with FDOT.

Commissioner Ross also requested to engage with a planner.

Vice-Mayor Kennedy also posed a question to finance whether the Village could use CITT funds to pay for the study and lighting.

Vice-Mayor motioned to instruct Interim Village Manager to engage Calvin Giordano & Associates to work with the Village and FDOT on the proposals. Commissioner Samaria seconded. **Motion passed 5 - 0.**

Vice-Mayor Kennedy also motioned to communicate with FDOT

Vice-Mayor Kennedy motioned to extend the meeting to 11:30 pm. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

**12 New Business**

- 12.a** Halloween Decorations award - by Vice-Mayor Kennedy  
Commission consensus was to move forward with the halloween decorations contest.

**13 Request for placement of items on next meeting agenda**

**14 Reports**

**14.a** Village Attorney

**14.b** Village Manager

CITT Audit

Village Manager Selection

RFP 2020-01Solid Waste - Commissioner Ross suggested to include the names of Dan Keys - Public Works Director of Coral Gables and Paul Winkeljohn - Finance Director to the panel doing the ratings.

Commissioner Tudor motioned to extend the meeting to 11:45 pm.

Vice-Mayor Kennedy second. **Motion passed 5 - 0.**

**14.c** Board / Committee Reports

**14.d** Commission

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

**15 Announcements**

- First Budget Hearing FY 2020-2021 - September 08, 2020 6:30 pm
- Special Commission Meeting - September 08, 2020 7:00 pm
- Second Budget Hearing FY 2020-2021 - September 29, 2020 6:30 pm
- Special Commission Meeting - September 29, 2020 7:00 pm

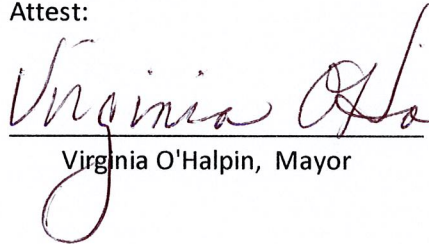
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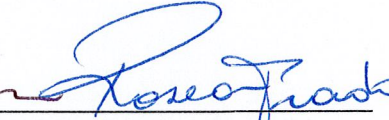
**Adjournment**

Commissioner Samaria motioned to adjourn. Commissioner Tudor seconded.  
Meeting adjourned at 11:35 pm

Commission approved on Regular Commission Meeting of October 06, 2020.

Attest:

  
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Virginia O'Halpin, Mayor

  
\_\_\_\_\_  
Roseann Prado, Village Clerk